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Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Exchange of views on the draft Maputo Action Plan

Draft
Maputo Action Plan

Submitted by the President-Designate of the Third Review Conference

Introduction

1. The States Parties, as at the time of the Maputo Review Conference, in reaffirming their unqualified commitment to ending the suffering and casualties caused by anti-personnel mines for all people for all time, aspire to end of the era of anti-personnel mines within a decade. These States Parties strive to: maintain strict observance of the Convention's norms, complete implementation of their respective time-bound obligations under the Convention by 2025, ensure no new mine victims in areas under their jurisdiction or control, and see that survivors participate in their societies on an equal basis to others.

2. The Maputo Action Plan aims for significant and sustainable progress towards the achievement of this ambition during the period 2014 to 2019, building on the achievements made under the Nairobi and Cartagena Action Plans, while acknowledging local, national and regional circumstances in its practical implementation. The States Parties will implement the Maputo Action Plan in a cooperative, inclusive, age-appropriate and gender sensitive manner and, in doing so, endeavour for a high degree of coherence, coordination and cost effectiveness. In addition, they will continue to recognise the special partnerships in the universalization and implementation of the Convention with the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines.

I. Universalization

3. While recognising the tremendous progress achieved in pursuit of the universal acceptance of the Convention and its norms, the States Parties during the period 2014 to 2019 seek to increase support for the Convention as the international community's comprehensive approach to ending the suffering and casualties caused by anti-personnel mines, committing to the following:

Action 1: The States Parties will promote formal adherence to the Convention by States not party to the Convention, regularly inviting them to participate in the Convention's meetings, and informing States Parties of practical steps they have taken such as formalised political commitments to not use, produce or transfer anti-personnel mines and to destroy stockpiles.

Action 2: The States Parties will continue promoting observance of the Conventions' norms, condemn violations of these norms and take appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by any actor, including by armed non-State actors.

Action 3: The States Parties will coordinate their actions to promote the Convention, including actions taken at a high level and through bilateral contacts and in multilateral *fora*.

Action 4: Recalling that in Maputo in 1999, the States Parties formally declared that "as a community dedicated to seeing an end to the use of anti-personnel mines, our assistance and cooperation will flow primarily to those who have foresworn the use of these weapons forever through adherence to and implementation of the Convention," State Parties in promoting the Convention will communicate that they will give specific consideration to those States that have committed to these principles, when considering giving assistance to States not party to the Convention, taking into account that each country will provide assistance on the basis of its own priorities and principles.

II. Stockpile destruction

4. The elimination of all stockpiled anti-personnel mines will contribute greatly to preventing additional suffering and casualties caused by these weapons. With a view to overcoming persistent challenges to achieving this aim as soon as possible and preventing additional challenges and new cases of non-compliance, the States Parties commit to the following:

Action 5: Each State Party that is non-compliant with the Convention in having missed its deadline for destroying its stockpiled anti-personnel mines will provide to the States Parties, through the President, by 31 December 2014, a plan to destroy or ensure the destruction of all stockpiled anti-personnel mines under its control or jurisdiction as soon as possible, and thereafter keep the States Parties apprised of efforts to implement its plan through annual transparency reports and other means.

Action 6: Each State Party in the process of destroying its stockpiled anti-personnel mines will regularly communicate to the States Parties, through annual transparency reports and other means, plans to fulfil its obligations, reporting progress and highlighting at the earliest possible stage any issues of concern.

Action 7: Each State Party will, when previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, inform the States Parties as soon as possible, report pertinent information as required by the Convention, and destroy these anti-personnel mines as a matter of urgent priority and no later than six months after the report of their discovery.

III. Mine clearance

5. While recognising the considerable progress of almost 30 States Parties having completed implementation of their mine clearance obligations, almost an equal number of States Parties are still in the process of meeting mine clearance deadlines, most of which

are extended deadlines. The methods and means of identifying, and then clearing or otherwise releasing areas known or suspected to contain mines in the most efficient manner have evolved greatly and are largely well known. In order to achieve completion by all States Parties as soon as possible and no later than by their respective clearance deadlines, States Parties commit to the following:

Action 8: Each State Party with ongoing mine clearance obligations will as soon as possible, if it has not yet done so, undertake all reasonable efforts to quantify and qualify its remaining implementation challenge including by identifying the precise perimeters and locations, to the extent possible, of all areas under its jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, report this information as required by the Convention no later than by 30 April 2015, and incorporate this information into national demining plans and relevant broader development and reconstruction plans.

Action 9: Each State Party with ongoing mine clearance obligations will as soon as possible ensure that all available methods and means for the full and expedient implementation of this aspect of the Convention are applied with greater intensity and, as relevant, by developing and implementing applicable national standards, policies and procedures in line with the United Nations' International Mine Action Standards for releasing land through technical and non-technical means and that are evidence-based, accountable and acceptable to local communities, including through the involvement of women and men in the process.[1]

Action 10: Each State Party that has reported mined areas under their jurisdiction or control will provide mine risk reduction and education programmes, as part of broader risk assessment and reduction activities targeting the most at-risk populations, which are age-appropriate and gender-sensitive, coherent with applicable national and international standards, tailored to the needs of mine-affected communities and integrated into ongoing mine action activities, in particular data gathering, clearance and victim assistance as appropriate.

Action 11: All States Parties will ensure that high quality requests for extended mine clearance deadlines continue to be submitted, that high quality analyses of these requests continue to be prepared, that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted by applying the recommendations endorsed by the Twelfth Meeting of the States Parties as contained in the paper "Reflections on the Article 5 extension process."[2]

IV. Victim assistance

6. States Parties are committed to the full and effective participation of mine victims in society on an equal basis to others. The actions taken under this Convention to fulfil its solemn promise to mine victims remain important. Engagement is other domains is also necessary given the States Parties' understanding that victim assistance should be integrated into broader national policies, plans and legal frameworks related to disability, health, education, employment, development and poverty reduction. This and other aspects reaffirmed or agreed to the Cartagena Action Plan remain valid and should be acted upon. In this context and with a view to addressing victim assistance with the equal precision and intensity as other aims of the Convention, the States Parties commit to the following:

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[1] Recommendations on applying all available methods for the full and expedient implementation of Article 5 were endorsed by the Ninth Meeting of the States Parties.

[2] Document APLC/MSP.12/2012/4.

Action 12: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, in a manner that takes into account gender- and age-disaggregated data, will reinforce its efforts and do its utmost to assess the needs of mine victims, the availability and gaps in services and support, and existing or new requirements for disability, health, education, employment, development and poverty reduction plans needed to meet the needs of mine victims.

Action 13: Based on its assessments, each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to communicate to the States Parties, through the President, by 30 April 2015, time-bound and measurable objectives it seeks to achieve through the implementation of national policies, plans and legal frameworks during the period covered by this action that will contribute, in a tangible way, to the full and effective participation of mine victims in their respective societies on an equal basis to others, thereafter annually updating these objectives, monitoring the implementation of them, and reporting to the States Parties on progress in meeting them.

Action 14: Based on its assessments, each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to communicate to the States Parties, through the President, by 30 April 2015, enhancements that have been made or will be made to disability, health, social welfare, education, employment, development and poverty reduction plans, policies and legal frameworks needed to meet the needs of mine victims, and on budgets allocated to implement these plans, thereafter annually communicating efforts to implement these plans, policies and legal frameworks and their enhancements.

Action 15: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, taking into account its own local, national and regional circumstances, will reinforce its efforts and do its utmost to strengthen local capacities, enhance coordination with subnational entities as relevant and appropriate, and increase availability of and accessibility to appropriate comprehensive rehabilitation services, economic inclusion opportunities and social protection measures for female and male mine victims, including girls and boys, by removing physical, social, cultural, economic, political and other barriers, including by expanding quality services in rural and remote areas and paying particular attention to vulnerable groups.

Action 16: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will reinforce its efforts and do its utmost to ensure the inclusion and full and active participation of mine victims and their representative organisations in all matters that affect them, particularly as concerns national action plans, legal frameworks, policies, implementation mechanisms, monitoring and evaluation.

Action 17: All States Parties will seize every opportunity to raise awareness of the imperative to address the needs and guarantee the rights of mine victims, including by engaging in the work of international, regional and national human rights, health care, labour and other *fora*, instruments and domains.

Action 18: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to report in advance of the next Review Conference on measurable improvements made in the well-being and the guarantee of the rights of mine victims, challenges that remain and priorities for assistance as relevant.

V. International cooperation and assistance

7. While each State Party is responsible for implementing the Convention in areas under its jurisdiction or control, the Convention's shared goals can be advanced through enhanced cooperation. With a view to significantly improving cooperation between those seeking assistance and those in a position to provide assistance, States Parties commit to the following:

Action 19: Each State Party seeking assistance will demonstrate high-level national ownership in fulfilling Convention obligations, including by: maintaining interest at a high level in fulfilling Convention obligations; empowering and providing relevant State entities with the human, financial and material capacity to carry out their obligations under the Convention; articulating the measures its State entities will undertake towards implementing relevant aspects of Convention in the most efficient and expedient manner possible and plans to overcome any challenges that need to be addressed; and making a regular significant national financial commitment to the State's programmes to implement the Convention.

Action 20: All States Parties in a position to do so will effectively use all possible avenues to support States Parties seeking to receive assistance in mine clearance, mine risk education, stockpile destruction, adopting appropriate national implementation measures, and meeting the needs and guaranteeing the rights of mine victims, including, as concerns victim assistance, by providing targeted assistance and supporting broader efforts to enhance frameworks related to disability, health, education, employment, development and poverty reduction.

Action 21: States Parties in a position to provide assistance and those seeking to receive assistance, where relevant and to the extent possible, will enter into partnerships for completion, with partners specifying their responsibilities to each other, articulating time-bound objectives and targets, making multi-year financial or other commitments, and engaging regularly in a dialogue on progress and challenges in meeting goals.

Action 22: States Parties in a position to provide assistance will take into account a State's adherence to Convention in deciding whether to provide assistance, with allowances made for exceptional circumstances, humanitarian need and progress towards accession and implementation.

Action 23: All States Parties will develop and promote bilateral, regional and international cooperation, including through South-South cooperation and by sharing national experiences and good practices, resources, technology and expertise to implement the Convention.

VI. Transparency and the exchange of information

8. The States Parties recognise that transparency and the open exchange of information, through both formal mechanisms under the Convention and other informal means, are essential to ending the era of anti-personnel mines. The States Parties also recognise that dialogue informed by accurate and high quality information can support cooperation and assistance and accelerate the Convention's implementation. To this end, in addition to commitments to transparency found elsewhere in this action plan, the States Parties commit to the following:

Action 24: All States Parties will provide high quality and updated information annually as required by the Convention and provide additional information in a voluntary manner.

Action 25: The States Parties will draw on information provided as required and on a voluntary basis to engage in cooperative dialogue with a view to enhancing cooperation and assistance efforts and the overall implementation of the Convention.

Action 26: Each State Party that has retained anti-personnel mines for reasons permitted by the Convention will regularly review the number of anti-personnel mines retained to ensure that they constitute the minimum number absolutely necessary for permitted purposes, destroy all those exceeding that number, where appropriate explore available alternatives to using live anti-personnel mines for training and research activities, and annually report on the plans for and actual use of anti-personnel mines retained, explaining any increase or decrease in the number of retained anti-personnel mines.

VII. Measures to ensure compliance

9. During the period 2014-2019, States Parties will continue to be guided by the knowledge that collective cooperation will help facilitate and assist each State Party's ongoing compliance with the Convention. To this end, States Parties commit to the following:

Action 27: In case of alleged or known non-compliance with the Convention's prohibitions, the State Party concerned will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible and work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner.

Action 28: Each State Party that has not yet done so, will, by [...], take all appropriate legal, administrative and other measures to prevent and suppress any activity that is prohibited the Convention undertaken by persons or on territory under its jurisdiction or control, reporting on such measures as required by the Convention and thereafter informing the States Parties of the use of such measures to respond to cases of alleged or known non-compliance with the Convention's prohibitions.

VIII. Implementation support

10. The States Parties have developed innovative mechanisms to assist them in the pursuit of their aims and they have shown great flexibility in making adjustments to this machinery to ensure that it matches evolving needs. The States Parties have made it clear that they retain full ownership over the mechanisms they have established, including by remaining committed to oversee and finance this machinery. To this end, the States Parties commit to the following:

Action 29: All States Parties will adequately share the burden of the costs of the implementation machinery that they have established.

Action 30: States Parties will make use of synergies with other relevant instruments of international humanitarian and human rights law with a view to enhancing implementation of the Convention, streamlining the Convention's work and using resources as efficiently as possible.